

1 CRAFTS LAW FIRM PC
2 Angelo A. DuPlantier III, State Bar No. 162992
3 100 Pacifica, Suite 140
4 Irvine, CA 92618
5 Telephone: (949) 484-7400
6 Facsimile: (949) 486-0171
7 E-Mail: aad@craftslawfirm.com

5 Attorneys for Defendant
6 WELLS FARGO BANK, N.A., on behalf of itself and
7 as successor by merger with WACHOVIA
MORTGAGE, FSB, erroneously sued as WACHOVIA
CORPORATION

8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA, OAKLAND COURTHOUSE

10
11 QU, YAN, an individual; LI, MAN, an
individual,

12 Plaintiffs,
13 vs.

14 HUANG, MIKE, an individual;
15 ZIPREALTY, INC.; a California
Corporation; QUEZADA, MICHAEL, an
individual; FEDERAL NATIONAL TITLE
COMPANY, INC. aka FEDERAL
NATIONAL COMPANY OF
16 CALIFORNIA aka FEDERAL NATIONAL
TITLE INSURANCE COMPANY, a
17 California Corporation; WACHOVIA
18 CORPORATION, an unknown business
entity; WELLS FARGO BANK, N.A., an
unknown business entity; FEDERAL
19 HOME LOAN MORTGAGE
CORPORATION, an unknown business
entity; and DOES 1 through 100, inclusive,

20
21 Defendants.

22 Case No. 4:13-CV-06005-CW

23 **STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
INITIAL DISCLOSURES**

24 Judge: Hon. Claudia Wilken

25 **STIPULATION**

26 Plaintiffs YAN QU and MAN LI (collectively "Plaintiffs") and Defendants Wells
27 Fargo Bank, N.A. as successor by merger with WACHOVIA MORTGAGE, FSB ("Wells
28 Fargo"), MIKE HUANG ("HUANG"), ZIPREALTY, INC ("ZIP"), MASON-MCDUFFIE

Stipulation to Continue Case Management
Conference and Initial Disclosures

1 REAL ESTATE, INC. FORMALLY DOING BUSINESS AS PRUDENTIAL
 2 CALIFORNIA REALTY (“MMRE”) and JOHN AZEVEDO (“AZEVEDO”), by and
 3 through their respective counsel of record, hereby stipulate as follows:

4 WHEREAS on April 24, 2013, Plaintiffs filed the above-referenced action in state
 5 court against Defendants HUANG, ZIP, WFB and FEDERAL HOME LOAN
 6 MORTGAGE CORPORATION (“FHLB”) as well as former party Defendants MICHAEL
 7 QUEZADA and FEDERAL NATIONAL TITLE COMPANY, INC. aka FEDERAL
 8 NATIONAL COMPANY OF CALIFORNIA aka FEDERAL NATIONAL TITLE
 9 INSURANCE COMPANY alleging causes of action for: (1) Negligence; (2) Negligent
 10 Infliction of Emotional Distress; (3) Breach of Contract; and (4) Misrepresentation;

11 WHEREAS following Demurrers by certain of the Defendants, on December 13,
 12 2013, Plaintiffs filed a Second Amended Complaint in state court and added MMRE and
 13 AZEVEDO as parties;

14 WHEREAS on December 31, 2013, dismissed party FHLB removed the action to
 15 federal court;

16 WHEREAS on January 17, 2014, Wells Fargo filed a Motion to Dismiss scheduled
 17 for hearing on February 27, 2014;

18 WHEREAS on February 10, 2014, FHLB filed a Motion to Dismiss scheduled for
 19 hearing on March 13, 2014;

20 WHEREAS the Court continued the hearings of Wells Fargo’s and FHLB’s
 21 Motions to Dismiss until March 20, 2014;

22 WHEREAS on March 20, 2014, the Court on its own motion took Wells Fargo’s and
 23 FHLB’s Motions to Dismiss under submission and vacated the hearing of March 20, 2014;

24 WHEREAS on September 19, 2014, the Court ordered all parties to participate in a
 25 telephonic ADR assessment;

26

27

28

1 WHEREAS on September 25, 2014, the Court granted the Motion to Dismiss of
2 FHLB and partially granted and partially denied the Motion to Dismiss filed by Wells
3 Fargo;

4 WHEREAS on September 25, 2014, the Court ordered Plaintiffs to file an amended
5 Complaint by October 14, 2014;

6 WHEREAS on September 25, 2014, the Court reset deadlines and hearing such that
7 a Joint Case Management Statement is due on November 26, 2014 and a Case Management
8 Conference is scheduled for December 3, 2014;

9 WHEREAS on October 1, 2014 and again on October 6, 2014, the parties remaining
10 in the lawsuit participated in a telephonic ADR assessment with Howard A. Herman,
11 Director of the Court's ADR program;

12 WHEREAS on October 6, 2014, Howard A. Herman of the Court's ADR program
13 approved of the case to be mediated;

14 WHEREAS on October 9, 2014, the remaining parties stipulated to mediation and
15 requested that the Court order Plaintiffs amendment to the Complaint, in the event that
16 Plaintiffs so decided to amend, due fourteen (14) days after the completion of the
17 mediation;

18 WHEREAS on October 14, 2014, the Court Granted the request to refer the lawsuit
19 to mediation and Ordered the Plaintiffs to file an Amended Complaint fourteen (14) days
20 after the completion of mediation;

21 WHEREAS the remaining parties have agreed to the a mediator and are attempting
22 to schedule a mediation date, but will not be able to complete mediation until January,
23 2015;

24 WHEREAS counsel Plaintiffs and the remaining Defendants have met and conferred
25 and agreed that it is premature to hold a Case Management Conference on a December 3,
26 2014, in light of pending mediation and the lack of an amended Complaint;

27
28

1 WHEREAS the parties agree that the Case Management Conference should be
 2 continued to allow time for the lawsuit to become at issue and, thus, allow the parties to
 3 meaningfully and productively confer regarding further proceedings, including, the setting
 4 of discovery, pre-trial, and trial deadlines and dates;

5 WHEREAS for the same reasons, the parties also wish to continue the last day to
 6 complete initial disclosures or state objections to such in a Federal Rule of Civil Procedure
 7 Rule 26(f) ("Rule 26") Report, to file and serve a Case Management Statement and to file
 8 and serve a Rule 26 Report;

9 NOW THEREFORE, the parties hereby stipulate and agree, and request the Court to
 10 order, as follows:

11 1. The Case Management Conference presently scheduled for December 3, 2014
 12 be continued to February 3, 2015.

13 2. No later than January 27, 2015, the parties shall: (1) meet and confer
 14 regarding Rule 26 initial disclosures and a discovery plan.

15 3. No later than January 27, 2015, the parties shall file the Rule 26 Report,
 16 complete initial disclosures, state objections in the Rule 26 Report, and file a Joint Case
 17 Management Statement.

18 **AGREED TO AND ACCEPTED BY:**

20 Dated: November 24, 2014

21 By:

22 
 23 CRAFTS LAW FIRM, P.C.

24 Angelo A. DuPlantier III
 25 Attorneys for Defendant
 26 WELLS FARGO BANK, N.A., on
 27 behalf of itself and as successor by
 28 merger with WACHOVIA
 MORTGAGE, FSB, erroneously sued
 as WACHOVIA CORPORATION

PROPOSED ORDER

Good cause appearing, it is so ordered as follows:

3 1. No later than January 27, 2014, the parties shall: (1) meet and confer
4 regarding Rule 26 initial disclosures and a discovery plan.

5 2. No later than January 27, 2014, the parties shall file the Rule 26 Report,
6 complete initial disclosures, state objections in the Rule 26 Report, and file a Joint Case
7 Management Statement.

8 3. The Case Management Conference currently scheduled for December 3, 2014 is
9 continued to _____ February 4, 2015 at _____ 2:00 p.m.

IT IS SO ORDERED.

Dated: 11/25/2014

Claudia Wilken
Hon. Claudia Wilken
Judge, United States District Court

CRAFTS LAW FIRM, P.C.
100 Pacifica, Suite 140
Irvine, CA 92618

PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is 100 Pacifica, Suite 140, Irvine, CA 92618.

On November 24, 2014, I served the within document(s) described as:

**STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND
INITIAL DISCLOSURES**

on the interested parties in this action as stated on the attached mailing list.

(VIA NEF) By transmitting a true copy of the foregoing document(s) to the e-mail addresses set forth on the attached mailing list.

I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on November 24, 2014, at Irvine, California

ERMINIA OLIVAS
(Type or print name)

(Signature)

QU, Yan, et. al.
vs.
HUANG, Mike, et. al
Case No.: 4:13-CV-06005-CW

SERVICE LIST

5 Arthur J. Liu, Esq.
INTER-PACIFIC LAW GROUP, INC.
6 324 10th Street, Suite 223
Oakland, CA 94607
7 Tel. No.: 510.986.1198
Fax No.: 510.986.0889
8 E-Mail: arthurliuusa@yahoo.com

*Attorneys for Plaintiffs
YAN QU and MAN LI*

9 Jeffrey S. Martin, Esq.
PETERSON MARTIN & REYNOLDS LLP
10 49 Stevenson Street, Tenth Floor
San Francisco, CA 94105
11 Tel No.: (415) 399-2900
Fax No: (415) 399-2930
12 E-Mail: jmartin@pmrlegal.com

*Attorneys for Defendant, X-Defs., and Counter
Claimant MASON-MCDUFFIE REAL ESTATE,
INC. formerly dba PRUDENTIAL
CALIFORNIA REALTY*

13 Ronald C. Specter, Esq.
Mark Anthony Rodriguez, Esq.
14 SPECTER & WILLOUGHBY, LLP
4685 MacArthur Court, Suite 422
15 Newport Beach, CA 92660
Tel. No.: 949.833.9400
16 Fax No.: 949.833.9425
17 E-Mail: rspecter@specterlaw.com;
markanthony@eathlink.net

*Attorneys for Defendants, Cross-Claimants, X-
Defs, and Counter Defendants,
MIKE HUANG and ZIPREALTY, INC.*